

June 20, 2019

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Connect America Fund; WC Docket No. 10-90

Dear Ms. Dortch,

On June 18, 2019, Steve Coran (for WISPA), Mary Henze (AT&T), Mike Jacobs (ITTA), and I (collectively, “petitioners”) spoke via telephone with Preston Wise of Chairman Pai’s office regarding an issue raised in the joint petition for reconsideration (PFR) of the CAF Performance Metrics order filed by USTelecom, WISPA, and ITTA.

Specifically, the petitioners focused on the frequency of latency testing necessary to assess compliance with the CAF II latency requirements. Without notice, comment, or explanation the Bureau Order adopted a once-per-minute latency testing requirement. The petitioners believe that such frequent testing is not necessary to determine compliance with CAF rules. There is no evidence on the record from any party, including the Bureau, that testing latency once per minute is necessary to measure compliance with the CAF 100ms latency requirement.

AT&T has twice submitted actual comparative test results on the record that prove there is no statistically significant different compliance result if latency data is collected once per hour just as required for speed data. In the latest submission filed on May 21, 2019, AT&T shared the results of testing almost 100 CAF II subscribers. After 15,066 and 17,209 discrete tests on wireline and fixed wireless networks, respectively, the per-minute testing showed that only 1.09% and 1.71% of results exceeded the required 100ms. With per-hour testing it took just 260 tests to produce a similar result: 2.63% and 2.28% tests above 100ms. Both sets of results are well within CAF compliance standards and, in fact, the per-hour testing frequency appears to be a somewhat more rigorous standard from a compliance perspective.

Adopting a once-per-minute frequency also puts additional stress on testing systems which have capacity limitations. A testing system involves routing testing instructions and traffic through multiple servers, the customer location, and the network. The system is sized and calibrated to accommodate the load, or number of simultaneous connections, anticipated based on testing requirements. A system designed to handle once-per-hour testing can be overloaded by once-per-minute testing. Prior to the Bureau Order being released in July 2018, parties subject to performance measures would have had no reason to expect the frequency of latency testing to diverge from the once-per-hour standard for speed testing. In fact, during the extended wait for concrete guidance on metrics, the only mention of frequency from the Bureau was that

latency could also be tested once per hour. Under pressure to be prepared for performance testing and facing long lead times to implement testing infrastructure, CAF II model-based or RBE recipients would have been justified in constructing testing systems designed for once-per-hour testing. To modify and recalibrate these systems to support once-per-minute testing would take at least 12 months. By the same token, some carriers are not prepared to implement a UDP testing methodology if they use ICMP testing throughout their business. In addition, adopting both a per-hour and a per-minute testing frequency may require new CAF recipients to design their testing systems to the highest-common denominator rather than most efficiently.

Petitioners acknowledged that providers may risk compliance shortcomings from anomalous once-per-hour latency testing failures. To address this, they urged the Commission to suggest strongly that providers avail themselves of the option to test more frequently than once per hour, so long as they submit results from all tests performed during testing periods.¹ The Commission could also make clear that carriers choosing to test only once per hour must accept the risk of doing so, and that any requests for waiver would be subject to a particularly high hurdle. This would furnish providers with the flexibility to do a risk-benefit calculus that best suits their respective testing systems and risk tolerances.

Respectfully submitted,

_____/s/_____
Mike Saperstein
Vice President, Policy & Advocacy

cc: Preston Wise

¹ See Letter from Michael J. Jacobs, Vice President, Regulatory Affairs, ITTA, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90, at 2 (filed May 9, 2019).